

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

JUN 07 2002

Michael N. Milby, Clerk of Court

In re AZURIX CORP.
SECURITIES LITIGATION,

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IRVING ROSENZWEIG, et al.,
Plaintiffs,

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v.

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CIVIL ACTION NO. H-00-3493
(CONSOLIDATED)

AZURIX CORPORATION, et al.,
Defendants.

ORDER

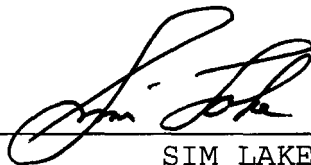
Pending before the court is Plaintiffs' Opposed Motion to Alter or Amend Judgment and Request for Leave to Amend Their First Consolidated Amended Complaint (Docket Entry No. 59). Having carefully considered the motion, defendants' responses, plaintiffs' reply, and defendants' additional papers, the court is persuaded that the motion should be denied.

Plaintiffs had ample time to seek to amend their complaint before the court ruled on defendants' motions to dismiss. In their pending motion plaintiffs do not explain why they did not seek to amend the complaint before the court ruled on defendants' motions to dismiss. The court spent considerable time evaluating plaintiffs' consolidated amended complaint. Had plaintiffs wished to

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bring additional facts to the court's attention, they should have done so before the court ruled on defendants' motions to dismiss. Because plaintiffs have not acted with diligence and because plaintiffs have not shown what facts, if any, they could now allege to overcome the deficiencies pointed out in the court's Memorandum and Order, Plaintiffs' Opposed Motion to Alter or Amend Judgment and Request for Leave to Amend Their First Consolidated Amended Complaint (Docket Entry No. 59) is **DENIED**.

SIGNED at Houston, Texas, on this the 6th day of June, 2002.



SIM LAKE
UNITED STATES DISTRICT JUDGE